

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ALISON STEELE, INDIVIDUALLY
AND ON BEHALF OF THE ESTATE OF
CAYLEY MANDADI
Plaintiffs

V.

TRINITY UNIVERSITY and
MARK HOWERTON
Defendants

CASE NO. 5-21-cv-780

DEFENDANT TRINITY UNIVERSITY'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

TRINITY UNIVERSITY files this Notice of Removal Pursuant to 28 U.S.C. § 1446 and respectfully shows the Court the following:

1. Defendant Trinity University hereby files this Notice of Removal of the above described action to the United States District Court for the Western District of Texas, San Antonio Division, from the 225th Judicial District Court of Bexar County, Texas, where the action is now pending.

2. This cause was commenced in the 225th Judicial District Court of Bexar County, Texas, Cause No. 2021CI12882, on June 28, 2021, and process was served on Trinity University on July 20, 2021, with Plaintiffs' Original Petition. Notice of Removal is, therefore, timely filed under 28 U.S.C. § 1446(b) within thirty (30) days of service of the Original Petition from which it was ascertainable that this case is removable. This action is a civil action based on allegations of violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a) ("Title IX") and violation of Equal Protection under 42 U.S.C. § 1983. The United States District Court for

the Western District of Texas has jurisdiction based on federal question jurisdiction. 28 U.S.C. §§ 1331, 1441(a).

3. This Court has original jurisdiction over this cause pursuant to 28 U.S.C. § 1331. Further, under 28 U.S.C. § 1441(a), venue of the removed action is proper in this Court as the district and division embracing the place where the state action is pending.

4. Pursuant to 28 U.S.C. § 1446(a), attached as Exhibit “A” hereto is an *Index of State Court Papers* and copies of all process, pleadings, orders, and the docket sheet on file in the state court lawsuit. Additionally, attached as Exhibit “B” is a *List of Parties and Counsel* relating to this action. Attached as Exhibit “C” hereto is an *Index of Matters Being Filed* in this action. Each of the exhibits is incorporated herein and made a part hereof for all pertinent purposes.

5. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to the Plaintiff promptly after Defendant TRINITY UNIVESTITY files this Notice.

6. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the District Clerk, Bexar County, Texas promptly after Defendant TRINITY UNIVERSITY files this Notice.

WHEREFORE, PREMISES CONSIDERED, DEFENDANT TRINITY UNIVERSITY respectfully requests that the above-captioned action now pending in the 225th Judicial District Court of Bexar County, Texas be removed to the United States District Court for the Western District of Texas, San Antonio Division, and for such other and further relief to which Defendant TRINITY UNIVERSITY may be justly entitled, whether at law or in equity.

Respectfully submitted,

ALLEN, STEIN & DURBIN P.C.
6243 I.H. 10 West, 7th Floor
P.O. Box 101507
San Antonio, Texas 78201
(210) 734-7488 (Telephone)
(210) 738-8036 (Facsimile)

/s/ Jennifer Gibbins Durbin

JENNIFER GIBBINS DURBIN
State Bar No. 07840500
jdurbin@asdh.com

KATHERINE M. WILLIS
State Bar No. 24033472
kwillis@asdh.com

**ATTORNEYS FOR DEFENDANT
TRINITY UNIVERSITY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing ***Defendant Trinity University's Notice of Removal*** was electronically filed with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following individual(s), on the 18th day of August 2021.

Mr. Richard T. Stilwell
Ms. Amanda R. Pierson
STILWELL LAW FIRM PLLC
214 Glenwood Drive
Houston, Texas 77007
Attorney for Plaintiffs
Alison Steele, Individually and on
Behalf of the Estate of Cayley Mandadi

/s/ Jennifer Gibbins Durbin

JENNIFER GIBBINS DURBIN
KATHERINE M. WILLIS

#2145264/4159 1264/KMW/lb